

Exhibit D

| <p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION MICHAEL POWERS, et al.,</p> <p>Plaintiffs,</p> <p>VS. Cause No. 4:16-cv-1299</p> <p>CITY OF FERGUSON, et al.,</p> <p>Defendants.</p> <hr/> <p>Deposition of UMAR LEE</p> <p>August 29, 2017 1:00 p.m.</p> <p>Taken at: Lewis Rice, LLC 600 Washington Avenue St. Louis, Missouri</p> <p>Nancy Prange, CCR, CSR, Notary Public</p> | <p style="text-align: center;">Page 3</p> <p>1 APPEARANCES OF COUNSEL: 2 3 FOR THE PLAINTIFFS: 4 Mr. Alex R. Lumaghi 5 Dowd & Dowd 6 211 North Broadway, Suite 4050 7 St. Louis, MO 63102 8 (314) 621-2500 9 alex@dowdlaw.net</p> <p>10 FOR THE DEFENDANTS: 11 Mr. Ronald A. Norwood 12 Lewis Rice, LLC 13 600 Washington Avenue, Suite 2500 14 St. Louis, MO 63101 15 (314) 444-7600 16 rnorwood@lewisrice.com</p> <p>17 18 19 20 21 22 23 24 25</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p style="text-align: center;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION 4 5 MICHAEL POWERS, et al.,</p> <p>6 Plaintiffs,</p> <p>7 vs. No. 4:16-cv-1299</p> <p>8 CITY OF FERGUSON, et al.,</p> <p>9 Defendants.</p> <p>10 Deposition of UMAR LEE, taken on behalf of the 11 Defendants, at the offices of Lewis Rice, LLC, 600 12 Washington Avenue, in the City of St. Louis, State 13 of Missouri, on the 29th day of August, 2017, 14 before Nancy Prange, CCR MO #778, CSR IL 15 #084-004426, and Notary Public.</p> <p>16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: center;">Page 4</p> <p>1 INDEX 2 PAGE 3 Examination by Mr. Norwood 5</p> <p>4 5 EXHIBITS</p> <table> <thead> <tr> <th>6 NUMBER</th> <th>7 DESCRIPTION</th> <th>8 PAGE</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>Defendant's Ex. 13 Rule 26 Disclosures</td> <td>49</td> </tr> <tr> <td>10</td> <td>Defendant's Ex. 14 Interrogatories</td> <td>56</td> </tr> <tr> <td>11</td> <td>Defendant's Ex. 19 Invoices</td> <td>57</td> </tr> <tr> <td>12</td> <td>Defendant's Ex. 15 Photograph</td> <td>58</td> </tr> <tr> <td>13</td> <td>Defendant's Ex. 16 Twitter Tweets</td> <td>58</td> </tr> <tr> <td>14</td> <td>Defendant's Ex. 18 Twitter Tweets</td> <td>59</td> </tr> <tr> <td>15</td> <td>Defendant's Ex. 19 Twitter Tweets</td> <td>62</td> </tr> <tr> <td>16</td> <td>(Original exhibits were retained by counsel.)</td> <td></td> </tr> <tr> <td>17</td> <td></td> <td></td> </tr> <tr> <td>18</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td></td> <td></td> </tr> <tr> <td>20</td> <td></td> <td></td> </tr> <tr> <td>21</td> <td></td> <td></td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table> <p style="text-align: center;">Exhibit D</p> | 6 NUMBER | 7 DESCRIPTION | 8 PAGE | 9 | Defendant's Ex. 13 Rule 26 Disclosures | 49 | 10 | Defendant's Ex. 14 Interrogatories | 56 | 11 | Defendant's Ex. 19 Invoices | 57 | 12 | Defendant's Ex. 15 Photograph | 58 | 13 | Defendant's Ex. 16 Twitter Tweets | 58 | 14 | Defendant's Ex. 18 Twitter Tweets | 59 | 15 | Defendant's Ex. 19 Twitter Tweets | 62 | 16 | (Original exhibits were retained by counsel.) | | 17 | | | 18 | | | 19 | | | 20 | | | 21 | | | 22 | | | 23 | | | 24 | | | 25 | | |
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1 (Pages 1 to 4)

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1 walk to my car, me and Ryan, they swooped on us,
 2 they ran at us. The next thing you know they had
 3 their, you know, their arms around me, and I assume
 4 Ryan, and arrested us. The girls, Liz and the late
 5 Meghan Flannery --

6 Q When you say the late --

7 A She passed away about three or four months
 8 ago in a car accident.

9 Q Okay.

10 A And the other women who I can't remember,
 11 they were already in their vehicle when the police,
 12 you know, came to their vehicle and ordered them to
 13 get out.

14 Q But let me -- before we go further. I'm just
 15 trying to understand. So there was a directive
 16 several times for people to disburse, there was some
 17 resistance by the protestors?

18 A Yes.

19 Q You in a sort of informal way suggested
 20 people to sit down?

21 A Yes.

22 Q And they did sit down?

23 A Yes.

24 Q How long were you all sitting down?

25 A It was a matter of minutes. I don't know

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1 throwing bottles or looting or burning. These are
 2 people out in the community trying to ascertain
 3 what's happening. So, no, I don't think it had
 4 anything do with that.

5 Q All right. By the time that protestors had
 6 left you all were the only ones there?

7 A Yes.

8 Q And you said police were --

9 A So there wasn't no protest. We was the only
 10 ones there.

11 Q And this is -- right now what time is it,
 12 1:00 a.m.?

13 A Something like that.

14 Q And so they move on you all?

15 A Yes. After we were moving towards our
 16 vehicles.

17 Q Did you move in response to them coming or
 18 were you already moving?

19 A We were already moving.

20 Q All right. When they were moving toward you,
 21 who was it that was moving towards you?

22 A Who?

23 Q Which police?

24 A St. Louis County.

25 Q So the St. Louis County Police moved on you

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1 how long it was, but it was a matter of minutes.

2 Q In the meantime the protestors were
 3 ultimately leaving?

4 A They were ultimately leaving, yeah.

5 Q All right.

6 A So nobody was there but us when the arrests
 7 were made.

8 Q When you say "us" you mentioned -- how many
 9 people total?

10 A Well, it would have been myself, Ryan Frank,
 11 Michael Powers, Liz Peinado, Meghan Flannery. There
 12 was another woman, I don't know her name, but as I
 13 recall six of us.

14 Q All right. And then do you know why were you
 15 arrested?

16 A That's a good question because, you know, I
 17 have no idea.

18 Q Do you think it was because you didn't leave
 19 when they ordered you to leave?

20 A No. I don't think so because really I think
 21 that day journalists were being arrested, national
 22 journalists, Washington Post, Huffington Post. I've
 23 had pieces in the Huffington Post as well. Antonio
 24 was arrested. None of these people had anything to
 25 do with any kind of uncivil confrontations or

1 all?

2 A Um-huh.

3 Q Is that a yes?

4 A Yes.

5 Q And they are the ones who actually arrested
 6 you?

7 A Correct.

8 Q All right. And what happened then once you
 9 were arrested with the others?

10 A Well, we were cuffed and we were put into
 11 the van.

12 Q What kind of van?

13 A You know, I'm not 100 percent certain, but
 14 I'm almost certain it was a Ferguson Police van.

15 Q How big was the van? How many passengers
 16 could it hold?

17 A It wasn't a passenger van. It was a police
 18 van so it had like a row of seats on each side. So,
 19 I don't know, maybe eight prisoners or something
 20 like.

21 Q Okay.

22 A And the van drove around and we couldn't see
 23 outside so I wasn't quite certain where we were
 24 going. I guess that was a tactic they were using
 25 because we ended right across the street from where

10 (Pages 37 to 40)

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